REME COURT, U. S.

Office Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

NO. [redacted] 234

WILLIAM E. GOETZ, ET AL

VS

STATE OF TEXAS

On Appeal From The Judgment Of The
Texas Supreme Court

JURISDICTIONAL STATEMENT

EARLE COBB, JR.
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ATTORNEYS FOR
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JURISDICTIONAL STATEMENT

Pursuant to Supreme Court Rules 13 (3) and 15, WILLIAM E. GOETZ, HOWARD C. GOETZ and WALTER E. GOETZ, the above Appellants, file this their statement of the basis on which Appellants contend that the Supreme Court of the United States has appellate jurisdiction over the judgment appealed from herein.

(a) OPINION BELOW

The opinion delivered in the Texas Supreme Court is reported in Volume 13, Number 19, Page 191, of the Texas Supreme Court Journal and in ___ SW 2nd ___. A copy of the majority opinion is attached. Also attached is a copy of the opinion of the Court of Civil Appeals for the Third Judicial District which opinion is reported in 440 SW 2nd 892.

(b) GROUNDS ON WHICH JURISDICTION OF SUPREME COURT IS INVOKED

(i) The appeal herein is from a judgment of the Texas Supreme Court following an application for Writ of Error from the Judgment of the Court of Civil Appeals. The Texas Supreme Court judgment violates provisions of the U.S. Constitution, to-wit: Article 1. Section 10, Amendment XIV, and Amendment V. This appeal is brought pursuant to the provisions of 28 U.S. 1257 Section (2) and should alternatively be considered as Writ of Certiorari pursuant to 28 U.S. C. 1257, Section (3) and 38 U.S. C. 2103.

(i i) The judgment sought to be reviewed was made and entered February 11, and Appellant's Motion for rehearing was overruled March 18, 1970, when said Judgment became final. The Notice of Appeal was filed in the Texas Supreme Court on the 23rd day of March, 1970, and Amended on March 25, 1970.

(iii) The Statutory provisions believed to confer on the Supreme Court of the United States jurisdiction of the appeal are Sections (2) and (3) of 28 U.S.C. 1257. (Also Article III Section 2 of the U. S. Constitution and Article VI).

(iv) Cases believed to sustain the jurisdiction are:

(a) Legislation - Administrative Order of State Agency

Lake Erie Ry vs State Utilities Comm. 39 S. Ct. 345, 249 U.S. 422, 63 L. Ed. 684.
Hamilton vs Regents of State University of Cal. 55 S. Ct. 197, 293 U.S. 245, 79 L. Ed. 344

(b) Contract Impaired

Irving Trust Co. vs Day, 62 S. Ct. 398. 314 U.S. 556, 86 L. Ed. 452, 137 ALR 1093.
Appleby vs City of N.Y. 46 S. Ct. 569. 271 U.S. 364, 379, 70 L. Ed. 992.
Columbia Ry Govt. Ele. Co. vs State of South Carolina 435 S. Ct. 306, 261 U.S. 236. 67 L. Ed. 629, 36 Harvard LR 882.
Fletcher vs Peck 6 Crarach 87. 3 L. Ed. 162